



#4

Attorney's Docket No. TDTD 10465.1

DECLARATION AND POWER OF ATTORNEY

REGULAR OR DESIGN APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC TORCH CONSUMABLE PARTS

the specification of which:

(check one)

- ☐ is attached hereto
- ☒ was filed on March 30, 2001 as Application Serial No. 09/821,868, and was amended on _____.
- ☐ was described and claimed in PCT International Application No. _____, filed on _____ and as amended under PCT Article 19 on _____, if any.

ACKNOWLEDGEMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56.

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OFFICE OF PETITIONS

PRIORITY CLAIM

I hereby claim foreign priority benefits under Title 35, United States Code, §119 (a) - (d) or §365(b) of any foreign application for patent or inventor's certificate, or §365(a) of any PCT application which designates at least one country other than the United States of America, listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Priority Claimed

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)

Priority Not Claimed

ANY FOREIGN APPLICATION(S), ON THE SAME SUBJECT MATTER WHICH HAS A FILING DATE EARLIER THAN THE EARLIEST APPLICATION FROM WHICH PRIORITY IS CLAIMED

_____ (Number)	_____ (Country)	_____ (Day/Month/Year Filed)
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CLAIM FOR BENEFIT OF PROVISIONAL APPLICATION(S)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

<u>60/193,820</u> (Application Number)	<u>March 31, 2000</u> (Filing Date)
<u>60/193,602</u> (Application Number)	<u>March 31, 2000</u> (Filing Date)

**CLAIM FOR BENEFIT OF EARLIER U.S. APPLICATION(S)
UNDER 35 U.S.C. 120**

(complete this part only if this is a divisional,
continuation or CIP application)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<hr/>	<hr/>	<hr/>
(Serial No.)	(Filing Date)	(Status)
<hr/>	<hr/>	<hr/>
(Serial No.)	(Filing Date)	(Status)

POWER OF ATTORNEY

I hereby appoint the following attorneys to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith: Irving Powers (15,700), Donald G. Leavitt (17,626), John K. Roedel, Jr. (25,914), Michael E. Godar (28,416), Edward J. Hejlek (31,525), William E. Lahey (26,757), Richard G. Heywood (18,224), Frank R. Agovino (27,416), Kurt F. James (33,716), G. Harley Blosser (33,650), Paul I. J. Fleischut (35,513), Vincent M. Keil (36,838), Robert M. Evans, Jr. (36,794), Robert M. Bain (36,736), Kathleen M. Petrillo (35,076), David E. Crawford, Jr. (38,118), Paul A. Maddock (37,877), Richard L. Bridge (40,529), Christopher M. Goff (41,785), James E. Butler (40,931), Derick E. Allen (43,468), Matthew L. Cutler (43,574), Michael G. Munsell (43,820), Karen Y. Hui (44,785), Anthony R. Kinney (44,834), Brian P. Klein (44,837), Sarah J. Chickos (46,157), Donald W. Tuegel (45,424), Steven M. Ritchey (46,321), Michael J. Thomas (39,857), Kathryn J. Doty (40,593), Laura R. Polcyn (47,000), James J. Barta, Jr. (47,409), John M. Bodenhausen (47,432), James E. Davis (47,516), and Richard A. Schuth (47,929), all of the law firm of SENNIGER, POWERS, LEAVITT & ROEDEL, One Metropolitan Square, 16th Floor, St. Louis, Missouri 63102.

Send Correspondence To: Direct Telephone Calls To:

Customer Number: 000321

Richard L. Bridge
(314) 231-5400

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Kevin D. Horner-Richardson

First inventor's signature Kevin D. Horner-Richardson

Date 10/9/01

Residence Cornish, NH Citizenship U.S.

Post Office address R. R. #2, Box 313, Cornish, NH 03745

Full name of second joint inventor David A. Small

Second inventor's signature _____

Date _____

Residence Strafford, VT Citizenship U.S.

Post Office address 15 Beacon Hill Road, Strafford, VT 05065

Full name of third joint inventor Jesse A. Roberts

Third inventor's signature Jesse A. Roberts

Date 8/7/01

Residence Plainville, NH Citizenship U.S.

Post Office address 32 Hayward Road, Plainville, NH 03761

776 Lake Rd., Milton, VT 05468

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OCT 16 2001

OFFICE OF PETITIONS



TDTD 10465.1
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Kevin D. Horner-Richardson, David A. Small and Jesse A. Roberts
Serial No. 09/821,868
Filed March 30, 2001
Confirmation No. 9294

For **PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC
TORCH CONSUMABLE PARTS**

**DECLARATION OF FACTS IN SUPPORT OF FILING ON BEHALF OF
NON-SIGNING INVENTOR (37 CFR 1.47)**

This declaration is made as to the facts which are relied upon to establish the diligent effort made to secure the execution of the Declaration and Power of Attorney (hereinafter referred to as the "Declaration") by the non-signing inventor David A. Small in the above identified patent application.

This declaration is being made by a person having first-hand knowledge of the facts recited herein.

IDENTIFICATION OF PERSON MAKING THIS DECLARATION OF FACTS

Name of declarant:

Kevin D. Horner-Richardson

Address of declarant:

Thermal Dynamics Corporation
Industrial Park #2
West Lebanon, New Hampshire 03784

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OCT 16 2001
OFFICE OF PETITIONS

LAST KNOWN ADDRESS OF THE OMITTED INVENTOR

Full name of omitted inventor:

David A. Small

Last known address of omitted inventor:

P.O. Box 128
Sharon, Vermont 05065

Last known telephone number of omitted inventor:

802-765-4498

Last known E-mail address of omitted inventor:

d4small@earthlink.net

**DETAILS OF REFUSAL OF OMITTED INVENTOR TO
SIGN APPLICATION PAPERS**

I am Torch Engineering Manager at Thermal Dynamics Corporation, the Assignee of the present invention, and a joint inventor of the present application. On behalf of Thermal Dynamics Corporation, I instructed our counsel, Senniger, Powers, Leavitt & Roedel, to prepare and file the above-identified application, including the specification, claims, drawings and Declaration.

The present application is based on U.S. provisional applications 60/193,820, filed March 31, 2000, and 60/193,602, also filed March 31, 2000. The provisional applications each identify Kevin D. Horner-Richardson, David A. Small and Jesse A. Roberts as joint inventors.

On May 16, 2000 Mr. Small executed an assignment in which he assigned his entire right, title and interest in and to the provisional applications and the underlying inventions to Thermal Dynamics Corporation. Each assignment also assigns Mr. Small's entire right, title and interest in and to "any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said

United States application or in whole or in part on said invention...." The assignments are respectively recorded at Reel 010880, Frame 0382, and Reel 010879, Frame 0418, and a copy of each assignment is attached hereto.

Pursuant to my instructions, the present non-provisional application was filed on March 30, 2001.

I subsequently received a letter dated May 29, 2001 from Senniger, Powers, Leavitt & Roedel in which a Declaration and Power of Attorney was enclosed for execution by myself and the other inventors. Also enclosed was a copy of the non-provisional application.

Mr. Small is a former employee of Thermal Dynamics Corporation, having left such employment in mid-June, 2001. Prior to leaving, he provided Thermal Dynamics with his most current address for the purpose of receiving his final paycheck.

On August 7, 2001, I sent a message to Mr. Small (copy attached) via electronic mail asking Mr. Small how to obtain his execution of the Declaration in the easiest manner. The letter was sent to the electronic mail address d4small@earthlink.net, which I believed to be the last known electronic mail address of Mr. Small.

I received a response from Mr. Small via electronic mail dated August 7, 2001 saying he would be willing to come to Thermal Dynamics Corporation and execute the document.

On August 8, 2001, I sent a message via electronic mail (copy attached) to Mr. Small indicating that I had arranged for Mr. Small to visit Thermal Dynamics Corporation on August 14, 2001 to execute the Declaration. However, Mr. Small failed to appear on August 14, 2001 to execute the Declaration.

I spoke with Mr. Small in person on August 19, 2001.

I sent another message (copy attached) via electronic mail to Mr. Small on August 30, 2001 asking when Mr. Small could meet to execute the Declaration. I did not receive a reply to this message.

On September 6, 2001, I sent a message (copy attached) to Mr. Small via electronic mail informing him that, unless I heard from him to the contrary, I was planning to visit his new place of business, Barker Steel of Canaan, New Hampshire, on September 7, 2001 so that Mr. Small could execute the Declaration. Receiving no response to the contrary, I

arrived at Barker Steel at 3:40 p.m. on September 7, 2001 only to find that Mr. Small had left early for the day.


On August 19, 2001, I sent a letter to Mr. Small, via certified mail with receipt requested, with a copy of the Declaration and a request that he execute the Declaration. The letter stated that if I heard no response from him by September 28, 2001, I would assume that he was refusing to sign the Declaration. A copy of the letter is attached hereto along with a copy of the certified mail receipt signed on August 21, 2001. Mr. Small's address identified on the letter is a prior known address that I inadvertently included therein. However, the envelope in which the letter was sent was properly addressed to Mr. Small's last known address as identified above. I am not familiar with the person that signed the certified mail receipt. However, I called the post office to which the letter was sent and received verification that the person that signed the certified mail receipt was authorized to receive mail from the Box identified by Mr. Small as his mailing address.

Having received no response to the letter by September 28, 2001, I sent a message to Mr. Small via electronic mail informing him that I am proceeding under the assumption that he is refusing to sign the Declaration. As of the date of execution of this declaration, I have received no response from Mr. Small.

The above statement of facts demonstrates that I made a bona fide attempt to present the Declaration to Mr. Small for his execution thereof.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 10/8/01


Kevin D. Horner-Richardson

*Attachments



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

RECEIVED AUG 28 2000



101394712A

TPTD 10465

AUGUST 19, 2000

PTAS

SENNIGER, POWERS, LEAVITT & ROEDEL
RICHARD L. BRIDGE
ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/30/2000

REEL/FRAME: 010880/0382
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:

HOMER-RICHARDSON, KEVIN

DOC DATE: 05/16/2000

ASSIGNOR:

ROBERTS, JESSE

DOC DATE: 05/16/2000

ASSIGNOR:

SMALL, DAVID A.

DOC DATE: 05/16/2000

ASSIGNEE:

THERMAL DYNAMICS CORPORATION
INDUSTRIAL PARK #2
WEST LEBANON, NEW HAMPSHIRE 03784

SERIAL NUMBER: 60193820
PATENT NUMBER:

FILING DATE: 03/31/2000
ISSUE DATE:

010880/0382 PAGE 2

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

Attorney Docket No.

RECORDATION I
PATEI

06-30-2000



101394712

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies) (assignor(s)):

Kevin Horner-Richardson, Jesse Roberts and David A. Small

Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: Thermal Dynamics Corporation

Address: Industrial Park #2

City: West Lebanon

State: New Hampshire

Zip: 03784

Country: U.S.A.

Additional name(s) & address(es) attached? ☐ yes ☒ no

3. Nature of Conveyance:

☒ Assignment

☐ Merger

☐ Change of Name

☐ Verified Translation

☐ Security Agreement

☐ Other

Execution Date: May 16, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: _____

A. Patent Application No(s).

B. Patent No(s).

60/193,820

Others on additional sheet(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Richard L. Bridge

Senniger, Powers, Leavitt & Roedel

One Metropolitan Square

16th Floor

St. Louis, Missouri 63102

(314) 231-5400 (telephone)

6. Total number of applications and patents involved:

Application(s) 1 + Patent(s): 0 = Total 1

7. Total Fee (37 CFR 3.41) \$ 40.00

☒ Enclosed

☐ Authorized to be charged to deposit account

8. Deposit Account Number: 19-1345

(Duplicate copy of this sheet attached)

☒ Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard L. Bridge

Name of Person Signing

Richard L. Bridge

Signature

5/25/00

Date

Total number of pages including cover sheet, attachments, and document:

5/30/2000 ASCOTT 00000134 60193820

FC:581

40.00 OP

5

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OCT 16 2001

OFFICE OF PETITIONS

ASSIGNMENT

WHEREAS, We Kevin Horner-Richardson of Cornish, New Hampshire, Jesse Roberts of Plainfield, New Hampshire and David Small of Sharon, Vermont, have invented an improvement in PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC TORCH CONSUMABLE PARTS (File TDTD 10465) and have executed an application for a United States patent based thereon Serial No. 60/193,820, filed March 31, 2000;

AND, WHEREAS, Thermal Dynamics Corporation of West Lebanon, New Hampshire, a corporation of the State of Delaware (hereinafter referred to as "ASSIGNEE") is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, we have agreed to and do hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States application or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made;

AND We hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;


AND We hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

AND We hereby jointly and severally covenant for ourselves and our respective legal representatives that we have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed our right, title and interest in said invention had not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.


IN WITNESS WHEREOF, we have hereunto set our hands.



Kevin Horner-Richardson



Jesse Roberts



David Small

ACKNOWLEDGMENT

STATE OF NH)
COUNTY OF GRAFTON

On this 16 day of MAY, 2000, before me, a Notary Public, personally appeared Kevin Horner-Richardson to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal the date and year last above written.

Margaret L Wheeler
Notary Public

My Commission Expires:

MARGARET L. WHEELER, Justice of the Peace
My Commission Expires May 26, 2004

STATE OF NH)
COUNTY OF GRAFTON

On this 16 day of MAY, 2000, before me, a Notary Public, personally appeared Jesse Roberts to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.

Margaret L Wheeler
Notary Public

My Commission Expires:

MARGARET L. WHEELER, Justice of the Peace
My Commission Expires May 26, 2004

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OCT 16 2001

OFFICE OF PETITIONS

STATE OF NH)
COUNTY OF GRAFTON)

On this 16 day of MAY, 2000, before me, a Notary Public, personally appeared David Small to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.

Margaret L. Wheeler
Notary Public

My Commission Expires:

MARGARET L. WHEELER, Justice of the Peace
My Commission Expires May 26, 2004



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20230

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AUGUST 18, 2000

PTAS
SENNIGER, POWERS, LEAVITT & ROEDEL
RICHARD L. BRIDGE
ONE METROPOLITAN SQUARE
16 FLOOR
ST. LOUIS, MO 63102



101394733A

TDTD 10462

UNITED STATES PATENT AND TRADEMARK OFFICE
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DOC DATE: 05/16/2000

ASSIGNOR:

ROBERTS, JESSE

DOC DATE: 05/16/2000

ASSIGNOR:

SMALL, DAVID A.

DOC DATE: 05/16/2000

ASSIGNEE:

THERMAL DYNAMICS CORPORATION
INDUSTRIAL PARK #2
WEST LEBANON, NEW HAMPSHIRE 03784

SERIAL NUMBER: 60193602
PATENT NUMBER:

FILING DATE: 03/31/2000
ISSUE DATE:

010879/0418 PAGE 2

ANNE HARRELL, PARALEGAL
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

06-30-2000

RECORDATIO
PAT

101394733

To the Honorable Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy thereof.

1. Name of conveying party(ies) (assignor(s)):

Kevin Horner-Richardson, Jesse Roberts and David A. Small

Additional name(s) of conveying party(ies) attached? ☐ yes ☒ no

2. Name and Address of Party(ies) receiving an interest (assignee(s)):

Name: Thermal Dynamics Corporation

Address: Industrial Park #2

City: West Lebanon

State: New Hampshire

Zip: 03784

Country: U.S.A.

Additional name(s) & address(es) attached? ☐ yes ☒ no

3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Change of Name☐ Verified Translation☐ Security Agreement☐ Other

Execution Date: May 16, 2000

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date(s) of the application is: _____

A. Patent Application No(s).

60/193,602

B. Patent No(s).

Others on additional sheet(s) attached? ☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Richard L. Bridge

Senniger, Powers, Leavitt & Roedel

One Metropolitan Square

16th Floor

St. Louis, Missouri 63102

(314) 231-5400 (telephone)

6. Total number of applications and patents involved:

Application(s) 1 + Patent(s): 0 = Total 1

7. Total Fee (37 CFR 3.41) \$ 40.00

☒ Enclosed☐ Authorized to be charged to deposit account

8. Deposit Account Number: 19-1345

(Duplicate copy of this sheet attached)

☒ Charge any underpayment or credit any overpayment to above Deposit Account

DO NOT USE THIS SPACE

9. Statement and signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

Richard L. Bridge

Name of Person Signing

Signature

5/25/00

Date

Total number of pages including cover sheet, attachments, and document:

6/30/2000 ASCOTT 00000133 60193602

11 FC:581

40.00 OP

5

ASSIGNMENT

WHEREAS, We Kevin Horner-Richardson of Cornish, New Hampshire, Jesse Roberts of Plainfield, New Hampshire and David Small of Sharon, Vermont, have invented an improvement in PLASMA ARC TORCH AND METHOD FOR IMPROVED LIFE OF PLASMA ARC TORCH CONSUMABLE PARTS (File TDTD 10462) and have executed an application for a United States patent based thereon Serial No. 60/193,602, filed March 31, 2000;

AND, WHEREAS, Thermal Dynamics Corporation of West Lebanon, New Hampshire, a corporation of the State of Delaware (hereinafter referred to as "ASSIGNEE") is desirous of acquiring certain rights thereunder;

NOW, THEREFORE, for one dollar and other good and valuable consideration, receipt of all of which is hereby acknowledged, we have agreed to and do hereby sell, assign and transfer unto said ASSIGNEE the entire right, title and interest in and throughout the United States of America (including its territories and dependencies) and all countries foreign thereto in and to said invention, said United States application, any other United States applications (including provisional, non-provisional, divisional, continuing, or reissue applications) based in whole or in part on said United States application or in whole or in part on said invention, any foreign applications based in whole or in part on any of the aforesaid United States application or in whole or in part on said invention, and any and all patents (including extensions thereof) of any country which have been or may be granted on any of the aforesaid applications or on said invention or any part thereof;

TO BE HELD AND ENJOYED by said ASSIGNEE, its successors and assigns, as fully and entirely as the same would have been held and enjoyed by us had no sale and assignment of said interest been made;


AND We hereby authorize and request the Commissioner of Patents of the United States of America to issue any and all United States patents which may be granted upon said United States applications or any of them, or upon said invention or any part thereof, to said ASSIGNEE;

AND We hereby jointly and severally agree for ourselves and for our respective heirs, executors and administrators, to execute without further consideration any further lawful documents and any further assurances, and any provisional, non-provisional, divisional, continuing, reissue, or other applications for patents of any country, that may be deemed necessary by said ASSIGNEE fully to secure to said ASSIGNEE its interest as aforesaid in and to said invention or any part thereof, and in and to said several patents or any of them;

AND We hereby jointly and severally covenant for ourselves and our respective legal representatives that we have granted no right or license to make, use or sell said invention, to anyone except said ASSIGNEE, that prior to the execution of this deed our right, title and interest in said invention had not been otherwise encumbered, and that we have not executed and will not execute any instrument in conflict herewith.

IN WITNESS WHEREOF, we have hereunto set our hands.


Kevin Horner-Richardson


Jesse Roberts


David Small

ACKNOWLEDGMENT

STATE OF NH)
COUNTY OF GRAFTON)

On this 16 day of MAY, 2000, before me, a Notary Public, personally appeared Kevin Horner-Richardson to me known to be the person described in and who executed the foregoing assignment and acknowledged that he executed same as his free act and deed.

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COUNTY OF GRAFTON)

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Margaret L Wheeler
Notary Public

My Commission Expires:

MARGARET L. WHEELER, Justice of the Peace
My Commission Expires May 26, 2004

STATE OF NH)
COUNTY OF GRAFTON

On this 11 day of May, 2000, before me, a Notary Public, personally appeared David Small to me known to be the person described, in and who executed, the foregoing assignment and acknowledged that he executed same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and seal and the date and year last above written.

Margaret L Wheeler
Notary Public

My Commission Expires:

MARGARET L. WHEELER, Justice of the Peace
My Commission Expires May 26, 2004



To: d4small@earthlink.net
cc:

Subject: Patent Inventor

Hi Dave.

How goes it?

I hear you are working at Barker steel. Glad to hear it. If I had to guess I'd say you were probably doing well.

I have paperwork for a patent that you are named inventor on, that I would like to ask you to sign and mail back to me.

We could do it one of a few ways:

1. I can mail or FAX you the forms with \$10 for a notary fee and ask you to sign it with a notary.
2. You could come in and sign it with Maggie as notary.

Would you be willing to do either of those?

Or do you have any other suggestions.

Let me know. I need to get this back to the attorneys in August.

Thanks
Kevin

> 08-07-2001 03:26 PM

>

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> Let me know. I need to get this back to the attorneys in August.

>

> Thanks

> Kevin

>

>



Kevin Horner-Richardson



08/30/2001 05:52

To: d4small@earthlink.net
cc:

Subject: Re: Patent Inventor

Dave,

It looks like you and Maggie did not connect on 8-14.

Is it possible for you to get here to sign this form?

I might be able to run it over to you at work if that would be of help.

What do you think?

Thanks

Kevin

----- Forwarded by Kevin Horner-Richardson/ThermalDynamics/TDHC on 08/30/2001 05:51 PM



Kevin Horner-Richardson



08/08/2001 03:16

To: "Dave & Demetra Small" <d4small@earthlink.net>
cc:

Subject: Re: Patent Inventor 

Thanks Dave,

I talked to Maggie. She does work until 5:00 so that would work well for you to come in.

She is out on vacation until Tues 8/14. I am out all next week.

If you would be willing, I could leave the paperwork with Maggie, and you could come in on Tues 8/14 between 4:30 and 5:00 to sign. I'd miss you but we'd get it done.

Let me know if that works for you.

Thanks again

Kevin

"Dave & Demetra Small" <d4small@earthlink.net> on 08/07/2001 08:01:43 PM



"Dave & Demetra Small" <d4small@earthlink.net> on 08/07/2001 08:01:43 PM

Please respond to "Dave & Demetra Small" <d4small@earthlink.net>

To: Kevin Horner-Richardson/ThermalDynamics/TDHC
cc:

Subject: Re: Patent Inventor

i could come in and do it if it is more easier i get out of work at 4:30 and it would only take me a few minutes to be there thats if maggie stays later than 4:30 just let me know what day it would be convient for you
thanks

----- Original Message -----

From: <Kevin_Horner-Richardson@THERMADYNE.COM>

To: <d4small@earthlink.net>

Sent: Tuesday, August 07, 2001 4:26 PM

Subject: Patent Inventor

>
>
>
>
>

> Kevin Horner-Richardson@THERMADYNE



Kevin Horner-Richardson



09/06/2001 06:00

To: d4small@earthlink.net
cc:

Subject: How about I come there?

Dave,

I'm planning to come to Barker Steel on Friday to get your signature on the inventor form for that patent.

If that is a problem, please let me know.

otherwise, see you then

Thanks

Kevin

September 19, 2001

David Small
15 Beacon Hill Rd.
Strafford VT 05065

Kevin Horner-Richardson
Torch Engineering Manager
Thermal Dynamics Corporation
Industrial Park #2
West Lebanon, NH 03784

603 298-6268
FAX: 603 298-6461

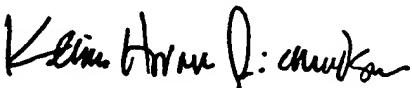
Subject: Declaration & Power of Attorney for Patent, Ref No. TDTD10465

Dear David,

Enclosed for your execution is a Declaration and Power of Attorney for filing in the above-identified application. Having tried unsuccessfully on a number of occasions to reach you to arrange a convenient time for you to sign the Declaration, I am sending you the Declaration by certified mail. Please sign the Declaration where indicated and return it to me by September 28, 2001. Absent receipt of the signed Declaration by that date, I will assume that you are refusing to sign the Declaration and will proceed with the application according to such an assumption.

Please call me if you have any questions

Sincerely



Kevin Horner-Richardson
Torch Engineering Manager

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

David Small
PO Box 128
Sharon, UT.
05065

2. Article Number (Copy from service label)

7000 1670 0008 6188 5241

PS Form 3811, July 1999

Domestic Return Receipt

102595-00-M-09

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly) B. Date of Delivery

C. Signature

X Denise Dukee

☐ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes

SENDER: COMPLETE THIS SECTION

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102595-00-M-0952

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C. Signature

X Denise Dukee

☐ Agent
☐ Addressee

 D. Is delivery address different from item 1? ☐ Yes
 If YES, enter delivery address below: ☐ No

3. Service Type

☐ Certified Mail ☐ Express Mail
☐ Registered ☐ Return Receipt for Merchandise
☐ Insured Mail ☐ C.O.D.
4. Restricted Delivery? (Extra Fee) ☐ Yes



Kevin Horner-Richardson



09/28/2001 06:25

To: d4small@earthlink.net
cc:

Subject: Signatures for Patent

Dave,

It is Sept 28, 2001. I sent you a certified letter on 9/19 asking for signatures on Power of Attorney and Assignments for a patent on which you were co-inventor.

Having gotten no reply from that letter, I will assume you have no intention of signing the forms. I will proceed without your signatures.

Give me a call sometime,
Kevin